

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1860.—Ordered to be printed.

Mr. PUGH submitted the following

REPORT.

The Committee on Public Lands, to whom was referred the petition of Abraham Edwards, late Register of the Land Office at Kalamazoo, Michigan, has fully considered the same, and now reports:

By a special act, approved March 2, 1849, Congress directed the officers of the treasury to audit and settle the accounts of the petitioner "upon principles of equity and justice," and appropriated whatever sum of money might be found due him from the United States upon such settlement. (Statutes at large, vol. 9, page 769.)

This act was passed in response to a petition of Mr. Edwards alledging that in consequence of the extraordinary number of purchases and entries at the Kalamazoo office, during the years 1835, 1836, and 1837, he was compelled to employ *three* more clerks than would otherwise have been requisite; and that he paid them \$3,616 66 for their services.

After the act of March 2, 1849, Mr. Edwards presented an account for \$5,302 36, paid to clerks in his office during the years 1835, 1836, 1837, and 1838, which was allowed in full by the Commissioner of the General Land Office; but, upon revision by the First Comptroller of the Treasury, (as that act required,) was reduced to \$3,995 77, and promptly paid. The comptroller thus allowed \$379 11 more than was claimed by the original petition; and, in doing so, allowed Mr. Edwards for the services of *ten* clerks, at one time or another, between the first of January, 1835, and the first of July, 1837, a period of two years and six months.

The claims rejected by the comptroller are for the services of two of these clerks after the 30th of June, 1837, namely:

S. York Atlee, from June 30, 1837, to April 4, 1839..... \$1,056 59
A. H. Edwards, from June 30, 1837, to December 31, 1837, 250 00

1,306 59

On the 24th of July, 1849, Mr. Edwards presented another account to the General Land Office; again charging the claims (\$1,306 59) rejected by the comptroller, and an *additional* sum of \$360, paid to Abraham Edwards, junior, as clerk, from the first of January, 1835, until the first of October, in the same year; which last mentioned claim is alledged to have been "overlooked" whilst preparing his first account. The Commissioner of the General Land Office allowed these claims, amounting to \$1,666 59 in all; but upon revision by the First Comptroller, as required by the special act of March 2, 1849, they were entirely rejected. And these claims the petitioner now urges upon Congress as deserving favorable consideration.

The act "for changing the compensation of receivers and registers of the land offices," approved April 20, 1818. (Statutes at Large, volume 3, page 466,) proceeds on the idea that the commissions allowed to those officers—which commissions are proportioned to the business transacted at the several land offices, and are in addition to salaries prescribed in the same act—will suffice for the payment of such clerks as they may be compelled to employ, as well as for their own services. The salary is fixed at \$500 for each year; but when a register has received, in addition, his *maximum* of commissions (\$2,500) annually, it must be acknowledged that he cannot well complain of inadequate compensation. Such was the case of Mr. Edwards in 1835, 1836, and 1837; and yet, for the first two of those years and six months of the third, he received an additional allowance of \$3,995 77 toward the expense of employing clerks. It seems to the committee that the government has been extremely liberal with him.

If the claim of \$360 for the services of Abraham Edwards, junior, was not of sufficient importance to be recollected until fourteen years after the services had been performed—after the special act of March 2, 1849, and the final adjustment of accounts under it—the committee can see no reason for admitting that claim at present.

As to the claim of \$1,306 59, for the services of S. Yorke Atlee and A. H. Edwards, subsequent to June 30, 1837, it was rejected by the First Comptroller, (Mr. McCulloh,) after a careful examination; and whatever may be the course with parties having a legal, or even an equitable right, as against the government, it would be a departure from all safe principles to set aside the final decision of a claim resting upon mere generosity, after the lapse of eleven years, and without even the suggestion of any additional fact or circumstance.

The committee recommend, therefore, that the prayer of the petitioner be not granted.